

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DB STRUCTURED PRODUCTS, INC.,
:
Plaintiff,
:
-v-
:
ACT LENDING CORPORATION,
:
Defendant.
:
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07 CIV. 4117 (DLC)

PRETRIAL
SCHEDULING ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/23/07

As set forth at the pretrial conference held pursuant to Rule 16, Fed.R.Civ.P., on August 3, 2007, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. By **August 24, 2007**, plaintiff shall present an Order to Show Cause for Default Judgment against defaulting defendants, returnable for **noon on September 14, 2007**.
2. The parties shall comply with their Rule 26(a)(1), Fed.R.Civ.P., initial disclosure obligations by **September 7, 2007**.
3. No additional parties may be joined or pleadings amended after **September 14, 2007**.
4. The parties are instructed to contact the chambers of Magistrate Judge Kevin N. Fox prior to **October 19, 2007** in order to pursue settlement discussions under his supervision.
5. Defendants' identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed.R.Civ.P., must occur by **December 14, 2007**. Plaintiff's identification of experts and disclosure of expert testimony must occur by **January 11, 2008**.
6. All discovery must be completed by **February 1, 2008**.
7. The next pretrial conference is scheduled for **January 18, 2008 at 10 a.m.** in Courtroom 11B, 500 Pearl Street.

8. At the January 18, 2008 conference, the Court will schedule the dates for the parties' Pretrial Order submissions.

If the case is to be tried by a jury, as described in greater detail in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Voir Dire, Requests to Charge and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. Counsel will provide the Court with two (2) courtesy copies of all pretrial documents at the time of filing.

If non-jury, as described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter.

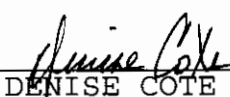
All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

Counsel will provide the Court with a one (1) courtesy copy of all these documents at the time they are served, as well as two sets of pre-marked exhibits assembled sequentially i) in a looseleaf binder, or ii) in separate manila folders labelled with the exhibit numbers and placed in a suitable container or box for ready reference.

Dated: New York, New York
August 22, 2007



DENISE COTE
United States District Judge